



Jersey

**PUBLIC EMPLOYEES (CONTRIBUTORY
RETIREMENT SCHEME) (GENERAL)
(JERSEY) REGULATIONS 1989**

Official Consolidated Version

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Jersey

PUBLIC EMPLOYEES (CONTRIBUTORY RETIREMENT SCHEME) (GENERAL) (JERSEY) REGULATIONS 1989

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Jersey

PUBLIC EMPLOYEES (CONTRIBUTORY RETIREMENT SCHEME) (GENERAL) (JERSEY) REGULATIONS 1989¹

THE STATES, in pursuance of Articles 2, 3 and 4 of the [Public Employees \(Retirement\) \(Jersey\) Law 1967](#), have made the following Regulations –²

Commencement [[see endnotes](#)]

1 Interpretation

In these Regulations, unless the context otherwise requires –

“Actuary” means a person appointed in accordance with Regulation 10 of the Administration Regulations, to give actuarial advice in respect of the fund;

“actuarial cost neutral age” means an age which the Actuary determines as producing a cost neutral effect on the scheme in relation to the payment of voluntary early retirement benefit under Regulation 8;

“Committee” means the “Committee of Management” construed in accordance with Article 4 of the 2014 Pensions Law and Regulation 2 of the [Public Employees \(Pension Scheme\) \(Administration\) \(Jersey\) Regulations 2015](#);

“deferred pensioner” means a former member entitled to a deferred pension under the scheme which has not yet become payable;

“employee” means –

- (a) an employee as defined in Regulation 1 of the 1989 Existing Members Regulations;
- (b) an employee as defined in Regulation 1 of the 1989 New Members Regulations;
- (c) a contributory member as defined in Regulation 3 of the 1967 Regulations while the member remains an employee to whom the 1967 Regulations apply; or
- (d) an employee as defined in Regulation 1 of the Former Hospital Scheme Regulations;

“employer” means –

- (a) the States Employment Board within the meaning of the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#), in respect of the States or any administration of the States;
- (b) any other employer –
 - (i) admitted to the scheme under Regulation 9 of these Regulations as it was in force immediately before the repeal of that Regulation by the [Public Employees \(Pension Scheme\) \(Transitional Provisions, Savings and Consequential Amendments\) \(Jersey\) Regulations 2015](#),
 - (ii) treated as if admitted to the scheme under any enactment which provides for that employer to become an employer for the purposes of the scheme in respect of members whose employment with the States Employment Board is transferred to that employer, or
 - (iii) treated as if admitted to the scheme under paragraph 2(4) and (5) of Schedule 1 to the [Public Employees \(Pension Scheme\) \(Membership and Benefits\) \(Jersey\) Regulations 2015](#);

“1989 Existing Members Regulations” means the [Public Employees \(Contributory Retirement Scheme\) \(Existing Members\) \(Jersey\) Regulations 1989](#);

“Former Hospital Scheme” means the Federated Pension Scheme for Medical, Nursing and Auxiliary Staff in Jersey governed by the Deed Definitive approved by the States on the 10th day of May 1972;

“Former Hospital Scheme Regulations” means the [Public Employees \(Contributory Retirement Scheme\) \(Former Hospital Scheme\) \(Jersey\) Regulations 1992](#);

“fund” shall be construed in accordance with Article 5 of the 2014 Pensions Law;

“Funding and Valuation Regulations” means the [Public Employees \(Pension Scheme\) \(Funding and Valuation\) \(Jersey\) Regulations 2015](#);

“member” means an employee who joins the scheme pursuant to the 1989 Existing Members Regulations or the 1989 New Members Regulations or the 1967 Regulations or the Former Hospital Scheme Regulations (for so long as the member remains an employee) and “membership” shall be construed accordingly;

“1989 New Members Regulations” means the [Public Employees \(Contributory Retirement Scheme\) \(New Members\) \(Jersey\) Regulations 1989](#);

“2014 Pensions Law” means the [Public Employees \(Pensions\) \(Jersey\) Law 2014](#);

“1967 Regulations” means the [Public Employees \(Contributory Retirement Scheme\) \(Jersey\) Regulations 1967](#);

“salary” means the basic salary or wage of a member, together with the member’s pensionable allowances, if any, but does not include –

- (a) overtime payments;
- (b) payments of a temporary nature;
- (c) payments in respect of untaken leave; or
- (d) extra hours payments, stand-by payments, call-out payments, or any other payment, unless the employer has declared the payments to be a pensionable allowance under Regulation 18(1) of the 1989 Existing Members Regulations or Regulation 18(1) of the 1989 New Members Regulations;

“scheme” means the pension scheme established by the 1967 Regulations.³

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8 Voluntary early retirement¹¹

- (1) The Chief Minister, or an employer with the consent of the Chief Minister, may offer voluntary early retirement to any member of the scheme.
- (2) To be eligible for voluntary early retirement a member must –
 - (a) be at least 55 years of age (unless the Chief Minister in view of the special circumstances of a particular case agrees to the inclusion of a member who is under 55 years but at least 50 years of age);
 - (b) not be eligible to retire and receive an immediate payment of a pension under any Regulation of the scheme;
 - (c) have volunteered to retire –
 - (i) in consequence of the abolition of the member’s office,
 - (ii) in order directly or indirectly to make possible the continued employment of another member of staff whose office is to be abolished, or
 - (iii) in the interests of efficiency, the Minister to whom is assigned responsibility for the administration of the States in which the member is employed or the employer having certified that the retirement is desirable for that purpose; and
 - (d) be eligible for a deferred pension under –
 - (i) Regulation 11 of the 1967 Regulations,
 - (ii) Regulation 8 of the Former Hospital Scheme Regulations,
 - (iii) Regulation 8 of the 1989 Existing Members Regulations, or

(iv) Regulation 8 of the 1989 New Members Regulations.¹²

- (3) A member who takes voluntary early retirement under this Regulation shall be entitled to receive benefit in accordance with the provisions of this Regulation.
- (4) A member who takes voluntary early retirement under this Regulation shall, on leaving employment on the agreed date, to the date on which a deferred pension becomes payable, or the date of the member's death if earlier, receive from the fund a payment the annual rate of which shall be equal to the amount of the annual pension entitlement calculated under the provisions of Regulation 11 of the 1967 Regulations or Regulation 8 of the Former Hospital Scheme Regulations or Regulation 8 of the 1989 Existing Members Regulations or Regulation 8 of the 1989 New Members Regulations, as the case may be, the rate so determined being increased to take account of any additional credit for pensionable service granted by the employer when agreeing that the member shall take voluntary early retirement, and the payment being increased year by year in accordance with Regulation 8 or 12(2)(a) of, and paragraph 1 of Schedule 2 to, the Funding and Valuation Regulations as if it were a pension in payment.¹³
- (5) When a member to whom this Regulation applies reaches the age at which the deferred pension becomes payable, the provisions of Regulation 11 of the 1967 Regulations or Regulation 8 of the Former Hospital Scheme Regulations or Regulation 8, 13, 14 and 15 of the 1989 Existing Members Regulations or Regulations 8, 13, 14 and 15 of the 1989 New Members Regulations, as the case may be, shall apply, the annual pension entitlement and any lump sum entitlement under the Former Hospital Scheme Regulations being increased to take account of any additional credit for pensionable service granted by the employer and the increase year by year in accordance with Regulation 8 or 12(2)(a) of, and paragraph 2 of Schedule 1 to, the Funding and Valuation Regulations, as mentioned in paragraph (4). If a deferred pensioner to whom this Regulation applies dies before the date on which the deferred pension becomes payable, the provisions of Regulation 8 of the 1967 Regulations or Regulation 12 of the Former Hospital Scheme Regulations or Regulation 12 of the 1989 Existing Members Regulations or Regulation 13 of the 1989 New Members Regulations, as the case may be, shall apply, the annual pension entitlement being increased to take account of any additional credit for pensionable service granted by the employer as mentioned in paragraph (4).¹⁴
- (6) With effect from 1st January 2016 the Actuary shall, before the end of every financial year, provide a report to the Committee certifying the additional costs to the scheme, arising in the previous financial year which are attributable to the employer, as a consequence of a member taking voluntary early retirement under this Regulation.¹⁵
- (6A) The additional costs to the scheme shall be calculated as the difference between the value of the actual benefits granted in respect of each member to whom this Regulation applies and the value of the accrued liabilities in respect of that member, on the basis of the member retiring (if he or she survives) on attaining an actuarial cost neutral age, ignoring any additional credit for pensionable service granted by the employer as mentioned in paragraph (4) and taking into account, amongst other things, projected increases in the member's salary up to the date of retirement (or earlier death) and pensionable service completed at the date of leaving service.¹⁶
- (7) Where under paragraph (6) the Actuary has certified an amount of additional costs to the scheme, the Committee shall require the employer to pay the whole of that amount into the scheme.¹⁷

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17 Change of duties

In the case of a member who changed the member's duties while remaining in employment or on rejoining the scheme so that the member became or ceased to be a category A or category B member (as defined in the 1989 Existing Members Regulations or the 1989 New Members Regulations) or a category C member (as defined in the 1989 New Members Regulations) or a member to whom Regulation 17, 18, 19, 20 or 20A of the 1967 Regulations applies or a member to whom Regulation 18 of the Former Hospital Scheme Regulations applies, the benefits payable to and in respect of the member from the scheme shall be determined, notwithstanding the other provisions of these Regulations and such other Regulations governing the scheme as are applicable to the member, on the basis that the member's pensionable service (or, in the case of 1967 Regulations, service) in respect of the member's previous duties shall be adjusted by the Actuary to take into account the change in the rate of accrual of benefit.²⁹

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19 Citation

These Regulations may be cited as the Public Employees (Contributory Retirement Scheme) (General) (Jersey) Regulations 1989.

ENDNOTES**Table of Legislation History**

Legislation	Year and No	Commencement	oProjet No (where applicable)
Public Employees (Contributory Retirement Scheme) (General) (Jersey) Regulations 1989	R&O.7956	1 January 1988	
Public Employees (Contributory Retirement Scheme) (General) (Amendment) (Jersey) Regulations 1991	R&O.8210	1 November 1990	
Public Employees (Contributory Retirement Scheme) (General) (Amendment No. 2) (Jersey) Regulations 1991	R&O.8313	18 December 1991	
Public Employees (Contributory Retirement Scheme) (General) (Amendment No. 3) (Jersey) Regulations 1992	R&O.8446	1 January 1990	
Public Employees (Contributory Retirement Scheme) (General) (Amendment No. 4) (Jersey) Regulations 1994	R&O.8705	27 July 1994	
Public Employees (Contributory Retirement Scheme) (General) (Amendment No. 5) (Jersey) Regulations 1995	R&O.8805	30 March 1995, (Reg. 1(a) and 3 in force 1 January 1990, Reg. 1(b) and (c) in force 1 January 1988)	
Public Employees (Contributory Retirement Scheme) (General) (Amendment No. 6) (Jersey) Regulations 1998	R&O.9251	1 July 1998 (Reg. 1 in force 1 January 1996)	P.123/1998
Public Employees (Contributory Retirement Scheme) (General) (Amendment No. 7) (Jersey) Regulations 2000	R&O.64/2000	1 August 2000	P.104/2000
Public Employees (Contributory Retirement Scheme) (General) (Amendment No. 8) (Jersey) Regulations 2002	R&O.171/2002	1 January 2003	P.227/2002

Legislation	Year and No	Commencement	◦Projet No (where applicable)
Public Employees (Retirement) (Additional Contributions – Amendments) (Jersey) Regulations 2005	R&O.105/2005	To be taken to have come into force on 1 January 2002 (by virtue of Regulation 6), except for Regulation 5 – 9 December 2005	P.190/2005
States of Jersey (Amendments and Construction Provisions No. 1) (Jersey) Regulations 2005	R&O.42/2005	9 December 2005	P.56/2005
Employment of States of Jersey Employees (Consequential, Amendment, Repeal, Transitional and Savings Provisions) (Jersey) Regulations 2005	R&O.155/2005	9 December 2005	P.243/2005
Public Employees (Contributory Retirement Scheme) (General) (Amendment No. 9) (Jersey) Regulations 2007	R&O.63/2007	9 May 2007	P.42/2007
Public Employees (Contributory Retirement Scheme) (General) (Amendment No. 10) (Jersey) Regulations 2009	R&O.103/2009	14 October 2009	P.126/2009
Public Employees (Contributory Retirement Scheme) (General) (Amendment No. 11) (Jersey) Regulations 2011	R&O.85/2011	14 July 2011	P.74/2011
Civil Partnership (Consequential Amendments) (Jersey) Regulations 2012	R&O.47/2012	2 April 2012	P.12/2012
Public Employees (Contributory Retirement Scheme) (States of Jersey Prison Service - Amendments) (Jersey) Regulations 2013	R&O.3/2013	1 February 2013	P.126/2012
Public Employees (Pension Scheme) (Transitional Provisions, Savings and Consequential Amendments) (Jersey) Regulations 2015	R&O.142/2015	1 January 2016	P.99/2015
Public Employees (Contributory Retirement Scheme) (General) (Amendment No. 12) (Jersey) Regulations 2018	R&O.72/2018	11 July 2018	P.69/2018

◦Projets available at www.statesassembly.gov.je

Table of Renumbered Provisions

Original	Current
1(1)	1
1(2),(3),(4)	spent, omitted from this revised edition
5(2A)	5(3)
(2B)	(4)
(2C)	(5)
(3)	(6)
(3A)	(7)
(3B)	(8)
(4)	(9)
(5)	(10)
(5A)	(11)
7(2A)	7(3)
(3)(aa)	(4)(b)
(b)	(c)
(4)	(5)
7A	8
8(1)(b)(iiiA)	9(1)(b)(iv)
(iiiB)	(v)
(iv)	(vi)
(1A)	(2)
(1B)	(3)
(2)	(4)
(3)	(5)
(4)	(6)
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Table of Endnote References

- ¹ *These Regulations have been amended by the States of Jersey (Amendments and Construction Provisions No. 1) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government amended by R&O.8705*
- ² *Recital*
- ³ *Regulation 1 amended by R&O.8446, R&O.155/2005, R&O.103/2009, R&O.142/2015, R&O.72/2018*

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- ⁴ Regulation 2 *repealed by R&O.142/2015*
⁵ Regulation 3 *repealed by R&O.142/2015*
⁶ Regulation 4 *repealed by R&O.142/2015*
⁷ Regulation 4A *repealed by R&O.142/2015*
⁸ Regulation 5 *repealed by R&O.142/2015*
⁹ Regulation 6 *repealed by R&O.142/2015*
¹⁰ Regulation 7 *repealed by R&O.142/2015*
¹¹ Regulation 8 *inserted by R&O.8210*
¹² Regulation 8(2) *amended by R&O.8805*
¹³ Regulation 8(4) *amended by R&O.8446, R&O.142/2015*
¹⁴ Regulation 8(5) *amended by R&O.8446, R&O.8805, R&O.142/2015*
¹⁵ Regulation 8(6) *substituted by R&O.72/2018*
¹⁶ Regulation 8(6A) *inserted by R&O.72/2018*
¹⁷ Regulation 8(7) *substituted by R&O.72/2018*
¹⁸ Regulation 9 *repealed by R&O.142/2015*
¹⁹ Regulation 9A *repealed by R&O.142/2015*
²⁰ Regulation 9B *repealed by R&O.142/2015*
²¹ Regulation 9C *repealed by R&O.142/2015*
²² Regulation 10 *repealed by R&O.142/2015*
²³ Regulation 11 *repealed by R&O.142/2015*
²⁴ Regulation 12 *repealed by R&O.142/2015*
²⁵ Regulation 13 *repealed by R&O.142/2015*
²⁶ Regulation 14 *repealed by R&O.142/2015*
²⁷ Regulation 15 *repealed by R&O.142/2015*
²⁸ Regulation 16 *repealed by R&O.142/2015*
²⁹ Regulation 17 *amended by R&O.8446, R&O.171/2002, R&O.3/2013*
³⁰ Regulation 18 *repealed by R&O.142/2015*